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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/528,844	03/20/2000	David Tompkins	013.0082	5410

7590 04/08/2004

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EXAMINER	
PARTON, KEVIN S	

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 04/08/2004 #14

Please find below and/or attached an Office communication concerning this application or proceeding.

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PARTON, KEVIN S

ART UNIT	PAPER NUMBER
2153	

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Office Action Summary	Application No. 09/528,844	Applicant(s) TOMPKINS, DAVID	
	Examiner Kevin Parton	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 06/19/2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. No amendment or arguments (either After Final from the previous action or enclosed with the RCE) have been filed or entered to accompany the Request for Continued Examination. As such, the previous rejection is restated below and the action is made final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 8, 9, 11, 13-15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gish (USPN 6,272,556) in view of Cox et al. (USPN 6,324,578).

4. Regarding claim 1, Gish (USPN 6,272,556) teaches a distributed server administration system comprising:

a. A server configured to be accessed via an electronic data network and to store and serve at least one first software package via the electronic data network, wherein the at least one first software package corresponds to at least one software system of the server (abstract; column 5, lines 50-60; column 18, lines 13-27).

b. A client configured to access the server, to receive the at least one first software package, and to execute the at least one first software package in

conjunction with the corresponding at least one software system of the server (column 18, lines 13-27).

Although the system disclosed by Gish (USPN 6,272,556) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the client is an administrator and the execution of the at least one first software package allowing the server to be administered by the client administrator via the electronic data network.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Gish (USPN 6,272,556), as evidenced by Cox et al. (USPN 6,324,578).

In an analogous art, Cox et al. (USPN 6,324,578) discloses a system for distributed management of network elements including servers with means wherein the client is an administrator and the execution of the at least one first software package allowing the server to be administered by the client administrator via the electronic data network (column 3, lines 54-55, 61-67; column 8, lines 49-55; column 9, lines 7-11). Note that the client can configure parameters on the server.

Given the teaching of Cox et al. (USPN 6,324,578), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Gish (USPN 6,272,556) by employing the specific use of an administration program. Gish (USPN 6,272,556) does not specify the type of program, but the advantage of using this system with server administration is obvious. By distributing the necessary components for server administration, the addition of new administration clients is made faster and easier. Also, any change of server software will not affect the function of the administrator.

5. Regarding claim 2, Gish (USPN 6,272,556) teaches all the limitations as applied to claim 1. She further teaches means comprising an administrative server configured to store and serve a plurality of second software packages, wherein at least one second software package corresponds to the software system of the server, and wherein the client administrator is further configured to access the administrative server based on the reference, to receive the at least one second software package, and to execute the at least one second software package in conjunction with the at least one software system of the server (column 5, lines 50-60; column 18, lines 14-26).

Although the system disclosed by Gish (USPN 6,272,556) shows substantial features of the claimed invention, it fails to disclose means wherein the at least one first software package contains a reference corresponding to at least one second software package from the plurality of second software packages, and to execute the at least one second software package in conjunction with the at least one software system of the server, the execution of the at least one first software package and the second software package allowing the server to be administered by the client administrator via the electronic data network.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Gish (USPN 6,272,556), as evidenced by Cox et al. (USPN 6,324,578).

In an analogous art, Cox et al. (USPN 6,324,578) disclose a system for distributed use and administration of server software wherein the at least one first software package contains a reference corresponding to at least one second software package from the plurality of second software packages (column 8, lines 11-14), and to execute the at least one second software package in conjunction with the at least one software system of the server, the execution of the at

least one first software package and the second software package allowing the server to be administered by the client administrator via the electronic data network (column 8, lines 49-54; column 9, lines 7-11).

Given the teaching of Cox et al. (USPN 6,324,578), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Gish (USPN 6,272,556) by employing the use of two or more separate downloadable pieces of software for the administration of the server application. This benefits the system by allowing different levels of administration to be available to different types of users. Also, it can cut down on unneeded network traffic if the initial download is sufficient.

6. Regarding claim 3, although the system disclosed by Gish (USPN 6,272,556) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein the server is further configured to store and serve at least one reference to a network address of a second software package, wherein the second software package corresponds to the at least one software system of the server, and the client administrator is further configured to receive the at least one network address, to access the at least one network address, to receive the second software package, and to execute the second software package in conjunction with the at least one software system of the server, the execution of the at least one first software package and the second software package allowing the server to be administered by the client administrator via the electronic data network.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Gish (USPN 6,272,556), as evidenced by Cox et al. (USPN 6,324,578).

In an analogous art, Cox et al. (USPN 6,324,578) disclose a system for distributed use and administration of server software wherein the server is further configured to store and serve at least one reference to a network address of a second software package, wherein the second software package corresponds to the at least one software system of the server, and the client administrator is further configured to receive the at least one network address, to access the at least one network address, to receive the second software package, and to execute the second software package in conjunction with the at least one software system of the server, the execution of the at least one first software package and the second software package allowing the server to be administered by the client administrator via the electronic data network (column 8, lines 11-15; column 8, lines 49-54; column 9, lines 7-11).

Given the teaching of Cox et al. (USPN 6,324,578), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Gish (USPN 6,272,556) by employing the use of URLs to point to the other administration software. This benefits the system by allowing the storage load to be moved away from the server to a more suitable platform.

7. Regarding claim 4, Gish (USPN 6,272,556) teaches all the limitations as applied to claim 1. She further teaches means wherein the client administrator is further configured to install and store the at least one first software package (column 18, lines 15-26).

8. Regarding claim 8, Gish (USPN 6,272,556) teaches all the limitations as applied to claim 3. She further teaches means wherein the client administrator is further configured to install and store the at least one first software package and the second software package (column 18, lines 15-26).

9. Regarding claim 9, although the system disclosed by Gish (USPN 6,272,556) shows substantial features of the claimed invention, it fails to disclose means wherein the second software package contains a reference to a plurality of software packages corresponding to the at least one software system of the server, and the client administrator is further configured to receive and to execute the plurality of software packages in conjunction with the at least one software system of the server.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Gish (USPN 6,272,556), as evidenced by Cox et al. (USPN 6,324,578).

In an analogous art, Cox et al. (USPN 6,324,578) disclose a system for distributed use and administration of server software wherein the second software package contains a reference to a plurality of software packages corresponding to the at least one software system of the server, and the client administrator is further configured to receive and to execute the plurality of software packages in conjunction with the at least one software system of the server (column 8, lines 11-14, 49-54; column 9, lines 7-11).

Given the teaching of Cox et al. (USPN 6,324,578), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Gish (USPN 6,272,556) by employing the use of two or more separate downloadable pieces of software for the administration of the server application. This benefits the system by allowing different levels of administration to be available to different types of users. Also, it can cut down on unneeded network traffic if the initial download is sufficient. The use of URLs benefits the system by allowing the storage load to be moved away from the server to a more suitable platform.

10. Regarding claims 11 and 14, Gish (USPN 6,272,556) teaches a distributed server administration system comprising:

a. A plurality of servers coupled to an electronic data network, each server of the plurality of servers being configured to store and to serve at least one first software package, the at least one first software package corresponding to the server on which the at least one first software program is stored (abstract; column 5, lines 50-60; column 18, lines 13-27).

b. A client administrator configured to access each server in the plurality of servers via the electronic data network, to receive the at least one first software package from each server, and to execute the at least one first software package in conjunction with each server (column 18, lines 13-27).

Although the system disclosed by Gish (USPN 6,272,556) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the client is an administrator and the at least one first software package allows the server on which the at least one first software program is stored to be administered by the client administrator.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Gish (USPN 6,272,556), as evidenced by Cox et al. (USPN 6,324,578).

In an analogous art, Cox et al. (USPN 6,324,578) discloses a system for distributed management of network elements including servers with means wherein the client is an administrator and the at least one first software package allows the server on which the at least

one first software program is stored to be administered by the client administrator (column 3, lines 54-55, 61-67; column 8, lines 49-55; column 9, lines 7-11).

Given the teaching of Cox et al. (USPN 6,324,578), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Gish (USPN 6,272,556) by employing the specific use of an administration program. Gish (USPN 6,272,556) does not specify the type of program, but the advantage of using this system with server administration is obvious. By distributing the necessary components for server administration, the addition of new administration clients is made faster and easier. Also, any change of server software will not affect the function of the administrator.

11. Regarding claims 13 and 15, Gish (USPN 6,272,556) teaches all the limitations as applied to claims 11 and 14, respectively. She further teaches means wherein at least one second software package corresponds to the server on which the at least one first software program is stored and is located on a server within the plurality of servers, and the client administrator is further configured to receive the at least one second software package (column 5, lines 50-60; column 18, lines 14-26).

Although the system disclosed by Gish (USPN 6,272,556) shows substantial features of the claimed invention, it fails to disclose means wherein the at least one first software package references at least one second software package. Also, the client is programmed to execute the at least one second software package in conjunction with the at least one first software package to allow the administration of the server on which the at least one first software program is stored.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Gish (USPN 6,272,556), as evidenced by Cox et al. (USPN 6,324,578).

In an analogous art, Cox et al. (USPN 6,324,578) disclose a system for distributed use and administration of server software wherein the at least one first software package references at least one second software package. (column 8, lines 11-14). Also, the client is programmed to execute the at least one second software package in conjunction with the at least one first software package to allow the administration of the server on which the at least one first software program is stored. (column 8, lines 49-54; column 9, lines 7-11).

Given the teaching of Cox et al. (USPN 6,324,578), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Gish (USPN 6,272,556) by employing the use of two or more separate downloadable pieces of software for the administration of the server application. This benefits the system by allowing different levels of administration to be available to different types of users. Also, it can cut down on unneeded network traffic if the initial download is sufficient.

12. Regarding claim 18, Gish (USPN 6,272,556) teaches all the limitations as applied to claim 14. She further teaches means wherein the client administrator is further configured to install and store the at least one first software package and the at least one second software package (column 18, lines 15-26).

13. Regarding claim 19, Gish (USPN 6,272,556) teaches all the limitations as applied to claim 15. She further teaches means wherein the client administrator is further configured to

install and store the at least one first software package and the at least one second software package (column 18, lines 15-26).

14. Claims 5-7, 10, 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578) as applied to claims 1, 2, 3, 9, 11, 14, and 14, respectively, and further in view of Muschett et al. (USPN 6,026,437).

15. Regarding claim 5, although the system disclosed by Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein at least one first software package is a JAR file.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578), as evidenced by Muschett et al. (USPN 6,026,437).

In an analogous art, Muschett et al. (USPN 6,026,437) discloses a system for distributing configuration files and applications to clients wherein at least one first software package is a JAR file (column 10, lines 46 – 48).

Given the teaching of Muschett et al. (USPN 6,026,437), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578) by employing the use of JAR files. According to Muschett et al. (USPN 6,026,437), JAR files benefit the system and specifically "permit developers to take advantage of packaging concepts and decrease download time by utilizing compression software and a single transmission connection to download all the resources required by the applet" (column 3, lines 36-41).

16. Regarding claim 6, although the system disclosed by Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578) (as applied to claim 2) shows substantial features of the claimed invention, it fails to disclose means wherein the at least one first software package and the at least one second software packages are JAR files.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578), as evidenced by Muschett et al. (USPN 6,026,437).

In an analogous art, Muschett et al. (USPN 6,026,437) discloses a system for distributing configuration files and applications to clients wherein the at least one first software package and the at least one second software packages are JAR files (column 10, lines 46 – 48).

Given the teaching of Muschett et al. (USPN 6,026,437), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578) by employing the use of JAR files. According to Muschett et al. (USPN 6,026,437), JAR files benefit the system and specifically "permit developers to take advantage of packaging concepts and decrease download time by utilizing compression software and a single transmission connection to download all the resources required by the applet" (column 3, lines 36-41)..

17. Regarding claim 7, although the system disclosed by Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578) (as applied to claim 3) shows substantial features of the claimed invention, it fails to disclose means wherein the at least one first software package and the second software package are JAR files.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578), as evidenced by Muschett et al. (USPN 6,026,437).

In an analogous art, Muschett et al. (USPN 6,026,437) discloses a system for distributing configuration files and applications to clients wherein the at least one first software package and the second software package are JAR files (column 10, lines 46 – 48).

Given the teaching of Muschett et al. (USPN 6,026,437), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578) by employing the use of JAR files. According to Muschett et al. (USPN 6,026,437), JAR files benefit the system and specifically "permit developers to take advantage of packaging concepts and decrease download time by utilizing compression software and a single transmission connection to download all the resources required by the applet" (column 3, lines 36-41).

18. Regarding claim 10, although the system disclosed by Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578) (as applied to claim 9) shows substantial features of the claimed invention, it fails to disclose means wherein the at least one first software package and the second software package are JAR files.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578), as evidenced by Muschett et al. (USPN 6,026,437).

In an analogous art, Muschett et al. (USPN 6,026,437) discloses a system for distributing configuration files and applications to clients wherein the at least one first software package and the second software package are JAR files (column 10, lines 46 – 48).

Given the teaching of Muschett et al. (USPN 6,026,437), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578) by employing the use of JAR files. According to Muschett et al. (USPN 6,026,437), JAR files benefit the system and specifically "permit developers to take advantage of packaging concepts and decrease download time by utilizing compression software and a single transmission connection to download all the resources required by the applet" (column 3, lines 36-41).

19. Regarding claims 12 and 16, although the system disclosed by Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578) (as applied to claims 11 and 14) shows substantial features of the claimed invention, it fails to disclose means wherein the at least one first software package is a JAR file.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578), as evidenced by Muschett et al. (USPN 6,026,437).

In an analogous art, Muschett et al. (USPN 6,026,437) discloses a system for distributing configuration files and applications to clients wherein the at least one first software package is a JAR file (column 10, lines 46 – 48).

Given the teaching of Muschett et al. (USPN 6,026,437), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Gish (USPN

6,272,556) and Cox et al. (USPN 6,324,578) by employing the use of JAR files. According to Muschett et al. (USPN 6,026,437), JAR files benefit the system and specifically "permit developers to take advantage of packaging concepts and decrease download time by utilizing compression software and a single transmission connection to download all the resources required by the applet" (column 3, lines 36-41).

20. Regarding claim 17, although the system disclosed by Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578) (as applied to claim 15) shows substantial features of the claimed invention, it fails to disclose means wherein the at least one first software package and the second software package are JAR files.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578), as evidenced by Muschett et al. (USPN 6,026,437).

In an analogous art, Muschett et al. (USPN 6,026,437) discloses a system for distributing configuration files and applications to clients wherein the at least one first software package and the second software package are JAR files (column 10, lines 46 – 48).

Given the teaching of Muschett et al. (USPN 6,026,437), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Gish (USPN 6,272,556) and Cox et al. (USPN 6,324,578) by employing the use of JAR files. According to Muschett et al. (USPN 6,026,437), JAR files benefit the system and specifically "permit developers to take advantage of packaging concepts and decrease download time by utilizing compression software and a single transmission connection to download all the resources required by the applet" (column 3, lines 36-41).

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

ksp

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100